

**REMARKS**

Applicant thanks the Examiner for his consideration given to this application. Reconsideration is now respectfully requested in view of the foregoing amendments and the following remarks/arguments.

Claims 4-9 are pending in this application. Claim 1 is an independent claims. Claims 4-9 have been amended without prejudice herein. No claims have been withdrawn or cancelled by this paper. Reconsideration and allowance of the present application is respectfully requested. No new matter has been added.

**Claim Rejections Under 35 U.S.C. §103**

Claims 4-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,804,300 to Hoshino et al. (hereinafter “Hoshino) in view of U.S. Patent No. 6,598,100 to Shu et al. (hereinafter “Shu”). Applicants request reconsideration and withdrawal of these rejections for at least the following reasons.

Obviousness is a question of law that is evaluated based on underlying factual question about the level of skill in the art at the time the invention was made, the scope and content of the prior art, and the differences between the prior art and the asserted claim. *KSR Int’l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 at 1734, 1745 (2007) (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)). In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schneck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). “The protocol of giving claims their broadest reasonable interpretation during examination does not include giving claims a legally incorrect interpretation.” *In re Skvorecz*, No. 2008-1221 (Fed. Cir. Sept. 3, 2009) at 8. “This protocol is solely an examination expedient, not a rule of claim construction.” *Id.* Instead, claims must be interpreted in light of the specification and in view of one skilled in the art. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). The cited

references fail, in any combination, to render any of the pending claims unpatentably obvious when properly considered as a whole.<sup>1</sup>

In certain general embodiments of the present invention, an “electronic image frame” can display an image represented by a “digital signal.” *See, e.g., Published Application, par. [0007]-[0008]*. More specifically, and by way of example, a “signal tuning unit” receives a TV signal which is “demodulated” to a TV “video signal . . . and audio signal.” *See, e.g., id., par. [0031]*. Further, a “multimedia player processing unit” decodes multimedia information into a video signal and an audio signal. *See, e.g., id., par. [0056]*. A microprocessor selects, controls, and adjusts the video signal and the multimedia processing, *see, e.g., id., par. [0044]*, and a “display unit” displays a digital image using, for example, an LCD display module, *see, e.g., id., par. [0042]*. Finally, an “audio processing unit” adjusts “characteristics from audio power amplification to acoustic fidelity.” *See, e.g., id., par. [0046]*.

Consistently, Claim 4, recites:

A multimode ***digital picture frame***, comprising:  
a tuning unit receiving a television signal comprising a first video signal and a first audio signal;  
a multimedia player processing unit decoding multimedia files into a second analog video signal and a second audio signal;  
a video processing unit selectively providing one of said first and second video signals as a third video signal;  
a display unit displaying said third video signal;  
an audio processing unit selectively amplifying one of said first and second audio signals; and  
a microprocessor coupled to said tuning unit, said multimedia player processing unit, said video processing unit, said display unit and said audio processing unit, and controlling operations thereof with control signals;  
wherein, the digital picture frame displays digital pictures represented by the second video signal in a digital picture frame mode and displays television programming represented by the first video signal in a television mode. (*Emphasis added*)

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<sup>1</sup> The following discussion identifies exemplary reference characters, and/or references particular portions of the disclosure. Such identification and/or references do not constitute an admission that any claim element is limited to the embodiment illustrated at any identified character or described in any referenced portion of the disclosure.

By way of example, the subject application explains that early “image frame[s]” made from ordinary frames mounted with photographs which were “low-grade” and “cheap.” *See, Published Application, par. [0002]*. Next came an “electronic image frame made of liquid crystal screen supporting *only* picture for displaying color picture or image simply as a desk decoration” [sic]. *See, id. (emphasis added)*. The embodiments of the subject application are drawn to “[a] multimode *digital picture frame*.” *See, e.g., Claim 4 (emphasis added)*. Examiner, heretofore, has not addressed this distinction, which has now been explicitly set forth in the amended claims.

Applicants respectfully submit the embodiments specifically recited in Claim 4 and remaining dependent Claims 5-9—when considered as a whole—are neither disclosed nor suggested by the prior art taken alone or in combination with one another, also when considered as a whole. Particularly, the prior art does not teach or disclose a “multimode digital picture frame.” *See, e.g., Claim 4*. For example, Claims 4-10 are not rendered obvious by any combination of Hoshino and Shu, for at least the following reasons.

Digital picture frames do not conventionally functioned as TV sets – “they cannot receive and show television programs independently.” *See, Published Application, par. [0003]*. The embodiments of Claims 4-10 of the subject application are drawn to a multimode digital picture frame that can, among other things, function as a TV set – as opposed to conventional television audio/visual or personal computing apparatus. Examiner fails to consider both the claims and the prior art *as a whole*.

Hoshino fails to teach, or even suggest for that matter, such a multimode digital picture frame. Instead, Hoshino merely discloses a television audio/visual apparatus that works in combination with and requires a personal computer. *See, e.g., Hoshino, Brief Summary of the Invention*. More particularly, Hoshino’s personal computer 1 includes a PCMCIA slot 2, housing a PCMCIA card 3. Card 3 is coupled to digital video box 5 via adaptor interface 4. Digital video box 5 includes a digital video board 6 and a power sub-board 8.

Neither a digital video box nor a personal computer, no less the combination thereof using a PCMCIA socket and card, are or equate to a digital picture frame – no less the particularly recited multimode digital picture frame of Claim 4. For example, personal

computers are general purpose computing devices typically having substantial computing/storage resources that support a wide variety of applications. In contrast, digital picture frames conventionally have more limited computing/storage resources that provide only particular functionality, *e.g.*, JPEG image/photo playback. In short, *a personal computer is not a digital picture frame at all – no less the particularly recited frame of Claim 4.*

For purposes of completeness, it may be noted that Shu, like Hoshino, fails to teach or suggest a digital picture frame. *See, e.g., Shu, Title.* And further, Shu is not relied upon in these regards in the asserted rejections.

Accordingly, as Hoshino and Shu each, and also in any combination, fail to teach or suggest the recited multimode *digital picture frame* of Claims 4, reconsideration and removal of the asserted rejections is specifically requested. Reconsideration and removal of the rejections of Claims 5-9 is also requested, at least by virtue of these Claims' ultimate dependency upon a patentably distinct base Claim 4.

#### Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

#### CONCLUSION

In view of the above, consideration and allowance of this application are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Applicants believe no fee is due with this paper. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13836-00003-US, from which the undersigned is authorized to draw.

Dated: December 28, 2009

Respectfully submitted,

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